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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,983	02/16/2001	Yoshiyuki Ono	FUJZ 18.338	3786
26304	7590	11/01/2004	EXAMINER PHAM, BRENDA H	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 2664	PAPER NUMBER

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,983

Applicant(s)

ONO ET AL.

Examiner

Brenda Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-25, 26 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 27, 29-32 is/are rejected.
- 7) ☐ Claim(s) 3 and 5-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-32 have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 29 and 30 are rejected under 35 USC § 112 as being lack of antecedent basis in the claim.

Claims 29 and 30 recites the limitation "said program instructs the gateway equipment" in 8-9 and line 9-10, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 27, 29 and 31 are rejected under 35 U.S.C. 102(e) as anticipated by BELZILE (US 6,253,249 B1).

Claims 1, 27, 29 and 31, BELZILE discloses a communication-status notification apparatus **(element 64, part of gateway 16)** for communication system in which at least one subscriber terminal (device 26) is connected to a communication network via first gateway equipment (16), serving to create/analyze a packet as a voice data transmission medium, so that the subscriber terminal sends/receives voice data over the communication network **{telephony application 60 and 110 at gateway 16 and device 26 exchange voice data by sampling speech and thereafter encoding this sampled speech into data using a known vice compression algorithm. The encoded data is encapsulated in IP compliant packets and exchanged over network 10 (column 8, line 57-65)}**,

said communication-status notification apparatus **(64)** being adapted to be incorporated in the first gateway equipment **(16)** and equipped with a communication-status-notification management section (64) for notifying the subscriber terminal of a communication status in the communication network via the first gateway equipment, based on a processing status of the voice data in the first gateway equipment.

{Messaging application or gateway application 64 could monitor the number of lost packets and periodically provide an indicator of this number to device 26, (column 9, line 20-25)}.

Claims 2 and 4 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over BELZILE (US 6,253,249 B1).

Claim 2, as explained in the rejection statement of claim 1 (parent claim), BELZILE discloses all claim limitations of claim 1. BELZILE only shows element 64 performing both functions of monitoring the number of lost packets and notifying this number of lost packets to device 26. Although BELZILE does not specifically show two separate section (a communication-status monitor/control section and a communication-status notification section) for perform the monitoring and notifying of lost packets to device 26, it is inherently included a monitor/control section and notification section implemented in the gateway of BELZILE teaching.

Claim 4, BELZILE further teaches a communication-status notification apparatus according to claim 2, wherein said communication-status monitor/control section includes a traffic-status monitor/control section for monitoring/controlling a traffic status in the communication network, based on a sending/receiving status of packets in the first gateway equipment (column 9, lines 20-24).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over BELZILE (US 6,253,249 B1).

Claim 32, as explained in the rejection statement of claim 1, BELZILE discloses all claims limitations recited in claim 32. Although BELZILE using a gateway not a router, it well known in the art router and gateway perform similar functions, primarily differing in the number layers converted to interface the respective networks. The routers are generally known as special purpose computers used to interface one LAN or WAN to another and also provides cheap telephone communication, if the router is voice over Internet protocol compatible. Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to utilize a router in BELZILE to interface between two networks.

Allowable Subject Matter

9. Claims 13-25, 26, 28 are allowed.

10. Claims 3, 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach or fairly suggest a communication-status notification apparatus according to claim 2, wherein said communication-status

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notification section includes a notification-material storage section for storing at least one of voice, character, and image as notification materials, and is operable to carry out the notification of communication status using the notification materials stored in said notification-material storage section recited in claim 3.

The prior art fails to teach a communication-status notification apparatus according to claim 4, wherein said traffic-status monitor/control section includes: a traffic-information request section for requesting each of one or more routers, which are included in the communication network, to send information about the traffic status in each said router to the first gateway equipment, by transmitting a request signal to each said router via the first gateway equipment; a traffic-information obtaining section for obtaining the information about the traffic status, which has been sent from each said router in response to the request signal transmitted by said traffic-information request section, out of various data received by the first gateway equipment; and a traffic-status analysis section for analyzing the traffic status of the communication network, based on the traffic-status information obtained by said traffic information obtaining section recited in claim 5.

The prior art fails to teach a communication-status notification apparatus according to claim 4, wherein said traffic-status monitor/control section includes: a test-packet sending section for sending one or more test packets via the gateway equipment to second gateway equipment, which is connected to the communication network and serves as a companion to the first gateway equipment for voice data transmission; a test-packet retrieving section for retrieving the individual test packet, which has been

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sent back from the second gateway equipment, out of packets received by the first gateway equipment; and a traffic-status analysis section for analyzing the traffic status of the communication network, based on the retrieving status of the test packet by said test-packet retrieving section recited in claim 6.

The prior art fails to teach a communication-status notification apparatus according to claim 4, wherein said traffic-status monitor/control section includes a communication-quality evaluation section for evaluating communication quality of voice data transmitted over the communication network, based on the traffic status monitored by said traffic-status monitor/control section, and said communication-status notification section is operable to notify the subscriber terminal of information about the communication quality of voice data evaluated by said communication-quality evaluation section recited in claim 7.

The prior art further fails to teach or fairly suggest a communication-status notification apparatus according to claim 2, wherein said communication-status monitor/control section includes a cryptographic-processing-status monitor/control section for monitoring/controlling a cryptographic-processing status of voice data transmitted over the communication network recited in claim 9.

The prior art fails to teach a communication-status notification apparatus for a communication system in which at least one subscriber terminal is connected to an communication network via first gateway equipment, serving to create/analyze a packet as a voice data transmission medium, so that the subscriber terminal sends/receives voice data over the communication network, said apparatus being adapted to be

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incorporated in the first gateway equipment and comprising: a request analysis section for discriminating whether or not voice data received by the first gateway equipment from the subscriber terminal contains a request on monitoring/controlling or notifying a communication status in the communication network, and for analyzing the content of said request contained in the voice data received from the subscriber terminal; a communication-status monitor/control section, responsive to the content of said request analyzed by said request analysis section, for monitoring/controlling the communication status of the communication network, based on the processing status of the voice data in the first gateway equipment; and a communication-status notification section, responsive to the content of said request analyzed by said request analysis section, for notifying the subscriber terminal of the communication status monitored/controlled by said communication-status monitor/control section via the first gateway equipment recited in claim 13.

The prior art made of record does not teach a communication-status notification method for notifying at least one subscriber terminal of a communication status in a communication network of a communication system in which the subscriber terminal is connected to the communication network via gateway equipment, serving to create/analyze a packet as a voice data transmission medium, so that the subscriber terminal sends/receives voice data over the communication network, said method comprising the steps of: at the subscriber terminal, (a) sending to the gateway equipment a request on monitoring/controlling or notifying of a communication status of the communication network, said request being contained in voice data transmitted over

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the communication network; at the gateway equipment, discriminating whether or not voice data received from the subscriber terminal contains said request sent by the subscriber terminal in said step (a) and, when the voice data received from the subscriber terminal contains said request, analyzing the content of said request contained in the voice data; (c) in response to the content of said request analyzed in said step (b), monitoring/controlling the communication status of the communication network, based on a processing status of the voice data in the gateway equipment; and (d) in response to the content of said request analyzed in said step (b), notifying the subscriber terminal of the communication status monitored/controlled in said step (c).

The prior art made of record does not teach means for discriminating whether or not voice data received by the gateway equipment from the subscriber terminal contains a request on monitoring/controlling or notifying of a communication status in the communication network, and for analyzing the content of said request contained in the voice data received from the subscriber terminal; means, responsive to the content of said request analyzed by said discriminating and analyzing means, for monitoring/controlling the communication status of the communication network, based on the processing status of the voice data in the gateway equipment; and means, responsive to the content of said request analyzed by said discriminating and analyzing means, for notifying the subscriber terminal of the communication status, which is monitored/controlled by said monitoring/controlling means, via the gateway equipment.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

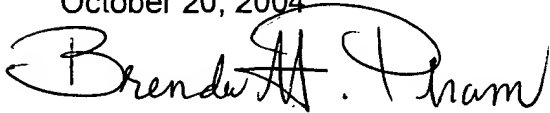
Knappe et al (US 6,603,774 B1) disclose signaling and handling method for proxy trans-coding of encoded voice packets in packet telephony applications.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Brenda Pham
October 20, 2004

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, looped initial "B" and a stylized "A".